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Dr. Ronald M. Berkman  
Dr. Jerry Sue Thornton

March 26, 2013

**Via Certified Mail and Electronic Delivery**

Debe Terhar, President  
State Board of Education  
25 South Front Street  
Columbus, Ohio 43215

Dr. Richard A. Ross, Superintendent of Public Instruction  
Ohio Department of Education  
25 South Front Street  
Columbus, Ohio 43215

***Re: Cleveland Municipal School District Academic Distress Commission***

Dear Ms. Terhar and Dr. Ross:

On March 7, 2013, Acting Superintendent Michael Sawyers notified me of the statutory responsibility of the State Superintendent of Public Instruction to establish an Academic Distress Commission for the Cleveland Municipal School District pursuant to Section 3302.10 of the Ohio Revised Code. Ohio Revised Code Section 3311.76(C) and Section 3302.07 also provide that the board of education of a municipal school district may apply to the Ohio Board of Education for an exemption from specific statutory provisions of Title 33 of the Ohio Revised Code, including Ohio Revised Code Section 3302.10, Academic Distress Commissions for districts in academic emergency.

Please find attached both Resolution No. 2013-2870(B) from the Board of Education of the Cleveland Municipal School District and the written consent of the Cleveland Teachers Union, formally requesting that Ohio Revised Code Section 3302.10 be waived for the Cleveland Municipal School District as permitted pursuant to Ohio Revised Code Section 3311.76(C) and Section 3302.07. In addition to the formal Resolution and Letter of Consent required by statute, you will also find attached Resolution No. 384-13 from the Cleveland City Council and a Resolution of the Board of Directors of the Greater Cleveland Partnership, both supporting the Board of Education's waiver request.

As you are aware, the Cleveland Municipal School District has developed a comprehensive reform plan, *The Cleveland Plan for Transforming Schools*, which was legislatively approved with bipartisan support in both the Ohio House of Representatives and Ohio Senate and with the support of Ohio Governor John R. Kasich and was followed by broad

community support in the passage of *Issue 107*, the tax levy which supports the implementation of *The Cleveland Plan*.

It is our belief that Ohio Revised Code Section 3311.741, Additional accountability measures for an existing municipal school district, provides the State Board of Education and the Ohio Department of Education the appropriate level of state oversight that would otherwise be anticipated through the implementation of an Academic Distress Commission while allowing the Cleveland Board of Education, the Cleveland Teachers Union and the overall Cleveland community, represented both by the support of our City Council and our business community coalition, to continue our efforts to significantly reform the Cleveland Municipal School District and the city's public schools.

For your convenience, I have enclosed a copy of Acting Superintendent Sawyer's original notice with this correspondence. I am happy to provide any additional information you may require in considering this waiver request. I look forward to hearing from you at your earliest convenience.

Sincerely,



Eric S. Gordon  
Chief Executive Officer

C: Frank G. Jackson, Mayor, City of Cleveland  
Denise W. Link, Chair, Board of Education  
David J. Quolke, President, Cleveland Teachers Union  
Patricia J. Britt, Clerk of Council, Cleveland City Council  
Joseph Roman, Chief Executive Officer, Greater Cleveland Partnership  
Kevin Burtzlaff, Board Liaison, Board of Education

Att: Cleveland Board of Education Resolution 2013-2870(B)  
Written Consent Letter of Cleveland Teachers Union  
Cleveland City Council Resolution 384-13  
Resolution of the Board of Directors of the Greater Cleveland Partnership  
Correspondence dated March 7, 2013 from Ohio Department of Education

**Resolution No. 2013- 2870 (B)**

**REQUESTING AN EXEMPTION FROM THE REQUIREMENTS OF OHIO  
REVISED CODE SECTION 3302.10**

The Chief Executive Officer of the Cleveland Municipal School District presents the following Resolution for adoption:

**WHEREAS**, early last year Mayor Frank Jackson, in collaboration with business, labor, education philanthropic and community leaders, in order to facilitate the improvement of the academic achievement of the students of the Cleveland Municipal School District, proposed the Cleveland Education Plan to the Ohio General Assembly; and

**WHEREAS**, subsequently the Ohio General Assembly passed, and Governor John Kasich signed, Substitute House Bill 525, which amended State law as it relates to the Cleveland Municipal School District, providing our School District with necessary tools to address low-performing schools, to work in collaboration with our employee labor unions to reform certain employment personnel practices including those in the areas of contracting, evaluations, and compensation, to accelerate our pace of creating high-performing schools, to expand our partnerships with high-performing community schools, and to ensure quality and accountability in all Cleveland Municipal School District schools and all community schools in Cleveland, and

**WHEREAS**, Substitute House Bill 525 provides additional oversight of the Cleveland Municipal School District by the Ohio Department of Education, including 1) the submission by the Board of Education to the State Superintendent, for his review and approval, of a Board-adopted array of measures to be used in evaluating the performance of the School District; 2) the issuance by the Board of Education, of annual reports to the Governor, General Assembly and State Superintendent on the School District's annual performance on each of the approved measures; and 3) the issuance by the State Superintendent, of an evaluation report on the School District's performance on each of the approved measures to the Governor and the General Assembly, not later than November 15, 2017; and

**WHEREAS**, Substitute House Bill 525 (as codified in Ohio Revised Code §3311.76(C)) and Ohio Revised Code §3302.07 provide that the board of education of a municipal school district may apply to the Ohio Board of Education for an exemption from specific statutory provisions of Title 33 of the Ohio Revised Code; now, therefore be it


**RESOLVED**, that, pursuant to Ohio Revised Code §3311.76(C) and §3302.07, the Board of Education of the Cleveland Municipal School District hereby requests of the Ohio Board of Education and the Ohio Superintendent of Public Instruction, an exemption from the requirements of Ohio Revised Code §3302.10, regarding the establishment of an academic distress commission for certain school districts; and, be it further

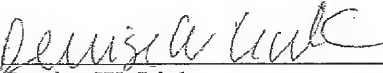
**RESOLVED**, that the Board of Education hereby directs the Chief Executive Officer to request the written consent of the Cleveland Teachers Union in the application request for this exemption, as required by Ohio Revised Code §3302.07(A); and, be it further

**RESOLVED**, that the Board of Education hereby directs the Chief Executive Officer to file the necessary application with the Ohio Board of Education to request an exemption from requirements of Ohio Revised Code §3302.10; and, be it further

**RESOLVED**, that the Board hereby authorizes and directs the Chief Executive Officer and/or designees to take any appropriate and necessary action to implement this Resolution.

BOARD OF EDUCATION OF THE CLEVELAND MUNICIPAL SCHOOL DISTRICT

By:   
Eric S. Gordon  
Chief Executive Officer

  
Denise W. Link  
Board of Education Chair

  
John W. Scanlan  
Chief Financial & Administrative Officer

Date: 3/14/13





# CLEVELAND TEACHERS UNION

The Halle Building, 1228 Euclid Ave. Suite 600 • Cleveland, Ohio 44115 216/861-7676

fax: 216/861-4113

David J. Quolke, President

[www.ctu-279.org](http://www.ctu-279.org)

March 18, 2013

Eric Gordon  
Chief Executive Officer  
Cleveland Municipal School District  
1380 East Sixth Street  
Cleveland, Ohio 44114

CEO Gordon,

On behalf of the Cleveland Teachers Union, I want to inform you that our Executive Board voted unanimously on March 13, 2013 in support of Board Resolution 2013-2870. We believe this resolution requesting an exemption from the requirements of Ohio Revised Code Section 3302.10, regarding the establishment of an academic distress commission for the Cleveland Municipal School District is critical in light of the passage of HB 525 (the Cleveland Plan for education) and passage of Issue 107 (the school levy).

The Cleveland Teachers Union worked hard to help shape HB 525 into a piece of legislation that we could and did support. A partnership that included the Mayor; the school District; the Cleveland Teachers Union; as well as the business, foundation, and charter community brought forth HB 525 which received bipartisan support of state legislators in the House and Senate as well as the Governor. In November the Cleveland community showed their support for this education plan by investing in Cleveland schools with the passage of Issue 107. We now anxiously begin the hard and important work of fully implementing this plan that will provide our students with needed academic support and increased learning opportunities.

We look forward to working with the CMSD, our educators, our parents, and our community partners as we move forward on the path to improve all of our schools and improve student achievement that recognizes the unique needs of all of Cleveland's children.

Sincerely,



David J. Quolke

President

Cleveland Teachers Union



**City of Cleveland**  
**Clerk of Council**

**RESOLUTION NO. 384-13**

By Mayor Jackson and Council Members Keane and Pruitt.

An emergency resolution supporting the Cleveland Metropolitan School District's application to the Ohio Board of Education for a waiver from the requirement regarding the appointment of an Academic Distress Commission for Cleveland schools.

WHEREAS, Mayor Frank Jackson, in collaboration with business, labor, education philanthropic and community leaders, in order to facilitate the improvement of the academic achievement of the students of the Cleveland Municipal School District ("CMSD"), proposed the Cleveland Education Plan ("the Cleveland Plan") to the Ohio General Assembly; and

WHEREAS, the Ohio General Assembly passed, and Governor John Kasich signed, Substitute House Bill 525, which amended State law as it relates to the CMSD and provides for additional oversight of the CMSD by the Ohio Department of Education; and

WHEREAS, CMSD recently received a letter from the Ohio Department of Education informing CMSD that as the district is in Academic Emergency and it has failed to make adequate yearly progress for four or more consecutive school years, an Academic Distress Commission would be appointed to oversee CMSD; and

WHEREAS, because the Cleveland Plan contains such extraordinary reform efforts and clearly articulated accountability measures for CMSD, and Ohio law provides that a municipal school district may apply for a waiver from certain rules adopted under Title 33 of the Revised Code; and

WHEREAS, this resolution constitutes an emergency measure providing for the immediate preservation of the public health, welfare, and safety in that the CMSD Board has voted to file the necessary application with the Ohio Board of Education to request a waiver from State appointment of an Academic Distress Commission and this Council supports the waiver; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:**

Section 1. That this Council supports the Cleveland Metropolitan School District's application to the Ohio Board of Education for a waiver from the requirement regarding the appointment of an Academic Distress Commission for Cleveland schools.

Section 2. That the Clerk of Council is directed to send a copy of this resolution to the Ohio Board of Education.

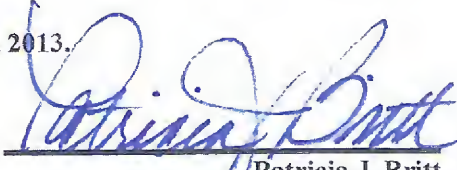
Section 3. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted March 18, 2013.

Effective March 18, 2013.

**I, Patricia J. Britt, City Clerk, Clerk of Council, do hereby certify that the foregoing is a true and correct copy of Resolution No. 384-13, adopted by the Council of the City of Cleveland on March 18, 2013.**

**WITNESS my hand at Cleveland, Ohio, this 19<sup>th</sup> day of March, 2013.**

  
\_\_\_\_\_  
Patricia J. Britt  
City Clerk, Clerk of Council

Greater Cleveland Partnership  
Resolution of the Board of Directors

March 13, 2013

WHEREAS, the Greater Cleveland Partnership ("GCP") has been a supportive and active partner with the Cleveland Metropolitan School District ("CMSD") for many years; and

WHEREAS, GCP is an engaged member of the local coalition of education-minded organizations that worked with CMSD and the City of Cleveland to draft "Cleveland's Plan for Transforming Schools" ("the Cleveland Plan") and secure passage of the accompanying implementing legislation as House Bill 525; and

WHEREAS, CMSD received a letter last week from the Ohio Department of Education informing CMSD that as the district is in Academic Emergency and it has failed to make adequate yearly progress for four or more consecutive school years, an Academic Distress Commission would be appointed to oversee CMSD; and

WHEREAS, because the Cleveland Plan contains such extraordinary reform efforts and clearly articulated accountability measures for CMSD, and Ohio law provides that a municipal school district may apply for a waiver from certain rules adopted under Title 33 of the Revised Code; and

WHEREAS, the CMSD Board has voted to file the necessary application with the Ohio Board of Education to request a waiver from State appointment of an Academic Distress Commission.

NOW, THEREFORE, BE IT RESOLVED, that the Greater Cleveland Partnership supports CMSD's request for waiver of the appointment of an Academic Distress Commission to oversee the district.

IN WITNESS WHEREOF, the undersigned has caused this Resolution to be executed as of the date first written above.

SECRETARY:

  
Jerry Sue Thornton



John R. Kasich, Governor  
Michael L. Sawyers, Acting Superintendent of Public Instruction

March 7, 2013

**Via Certified Mail and Electronic Delivery**

The Honorable Frank G. Jackson  
Cleveland City Hall  
601 Lakeside Ave.  
Cleveland, Ohio 44114

Denise W. Link, Chair, Board of Education  
Eric S. Gordon, Chief Executive Officer  
Cleveland Municipal School District  
Administration Building  
1380 East Sixth Street, Room 152  
Cleveland, Ohio 44114

***Re: Cleveland Municipal School District Academic Distress Commission***

Dear Mayor Jackson, Ms. Link, and Mr. Gordon:

Ohio Revised Code ("O.R.C.") Section 3302.10 provides that the State Superintendent of Public Instruction shall establish an Academic Distress Commission for each school district that has been declared to be in a state of academic emergency pursuant to Section 3302.03 of the Revised Code and has failed to make adequate yearly progress for four or more consecutive school years. This letter serves as notice that the Cleveland Municipal School District meets the statutory criteria for the establishment of an Academic Distress Commission for the Cleveland Municipal School District ("the Commission").

The statutory purpose of the Commission is to assist in improving the academic performance of the Cleveland Municipal School District through the development of an Academic Recovery Plan. The Plan must be adopted within 120 days after the first meeting of the Commission, and it must address academic problems at the district and school levels. In the process of developing the Academic Recovery Plan, the Commission is required to seek input from the District Board of Education regarding ways to improve the District's academic performance.

25 South Front Street  
Columbus, Ohio 43215  
education.ohio.gov

(877) 644-6338  
For people who are deaf or hard of hearing,  
please call Relay Ohio first at 711.



Pursuant to O.R.C. Section 3302.10, the Commission's Academic Recovery Plan must include: (1) the short and long-term actions to be taken to improve the district's academic performance; (2) the sequence and timing of those actions and the persons responsible for implementing them; (3) the resources that will be applied toward improvement efforts; (4) the procedures for monitoring and evaluating improvement efforts; and (5) the requirements for reporting to the Commission and the District the status of improvement efforts. Ultimately, the Commission must submit the Plan to the State Superintendent of Public Instruction for review and approval.

The Cleveland Commission will be comprised of five voting members -- three of whom are appointed by the State Superintendent of Public Instruction, and two of whom are appointed by the District Board President. The State Superintendent must designate a Commission Chairperson, and the Chairperson must appoint a Secretary who is not a member of the Commission. All appointments must be made within thirty days from the date of this letter. Thus, in accordance with O.R.C. Section 3302.10, I am requesting that, on or before April 8, 2013, the District Board President submit to me, in writing, the two required appointments.

The statute provides that, immediately after the appointment of members, the Superintendent of Public Instruction must call the first meeting of the Commission. At the meeting, the Commission must adopt temporary bylaws that will govern until the adoption of permanent bylaws. In addition, the Commission must review its statutory responsibilities and the requirements of Ohio's Ethics Laws, the Open Meetings Act and the Public Records Act as they pertain to Commission members.

Under O.R.C. Section 3302.10, the Commission will continue to operate until the Cleveland District receives a grade of C or better for both the performance index and value-added dimensions for two of the three prior school years under the report card measures in place beginning in 2012/2013. The Commission may be dissolved at an earlier time if the Superintendent of Public Instruction determines that Cleveland can perform adequately without the supervision.

Well in advance of the first meeting, ODE will distribute forms such as draft bylaws and an oath of office and other materials necessary for the first meeting. As the work of the Cleveland Commission progresses, the Department of Education will fulfill its statutory responsibility to provide the Commission with the administrative support, data and information on resources that could assist the Commission in its work. John Richard, Senior Executive Director in the Center for Accountability and Continuous Improvement will serve as the Department's primary contact for the Commission. John Richard can be reached at 614-466-5795, or via email at [John.Richard@education.ohio.gov](mailto:John.Richard@education.ohio.gov).

Although the task at hand is formidable, I know that you are committed to the academic achievement of Cleveland's students, a commitment that I share. If you have questions or concerns throughout this process, please do not hesitate to contact

me or John Richard. We will diligently work to ensure that the Cleveland Academic Distress Commission has the support it needs to accomplish its objectives.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael L. Sawyers", with a long, sweeping horizontal flourish extending to the right.

Michael L. Sawyers  
Acting State Superintendent of Public Instruction

C: P.R. Casey, Chief Legal Counsel, ODE  
Sharon Jennings, Deputy Legal Counsel, ODE  
T. Thomas-Manning, Associate Superintendent, ODE  
J. Richard, Senior Executive Director, ODE